



CLERK, U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS

ENTERED

THE DATE OF ENTRY IS ON
THE COURT'S DOCKET

The following constitutes the ruling of the court and has the force and effect therein described.

Signed October 5, 2022


United States Bankruptcy Judge

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

In Re:

THE JUMBA, LLC

Debtor.

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Case No. 22-31740-sgj11

**CORRECTED ORDER GRANTING DEBTOR'S MOTION TO SELL
PROPERTY OF THE ESTATE FREE AND CLEAR OF LIENS, CLAIMS
AND ENCUMBRANCES UNDER 11 U.S.C. § 363(b) AND (f) WITH LIENS
ATTACHING TO PROCEEDS AND REMAINING RAW LAND**

On this day came on for consideration the *Debtor's Motion to Sell Property of the Estate Free and Clear of Liens, Claims, and Encumbrances under 11 U.S.C. § 363(b) and (f) with Liens Attaching To Proceeds and Remaining Raw Land* (the "Motion") [Docket No. 2]. The Court, having considered the Motion, the filings of the Office of the U.S. Trustee and C&G Realty E, LLC, (hereinafter "C&G") and the testimony, and finds that the relief requested therein should be granted as herein modified.

The Debtor's exhibits J1 through J8 were admitted for the limited purpose of considering this motion and Debtor has provided an unredacted copy of the sales contracts [Ex. J6] under seal. The Court finds that cause has been shown to permit these six sales outside the ordinary course as the expedited authority for these sales is reasonable under the circumstances to avoid immediate and irreparable harm to both the Debtor and consumers purchasing these homes. The Court finds the evidence presented was credible, the properties were reasonably marketed to good faith purchasers for value, and that the proposed disbursements are approved as set forth in the example closing statements in Exhibit J7, with only buyer's real estate agents being paid. No agents for the Seller have been proposed nor are authorized from these sales. It is therefore

ORDERED that the Debtor is authorized to proceed with sales of the six (6) constructed homes on lots of approximately ten acres each, but no more than 11 acres each, surrounding the existing construction described in open Court as Lot 1 – Lot 6 on property described as 4240 CR 401-C, Alvarado TX 76009 being a part of the Johnson County Property [Legal Description on Ex. A hereto], free and clear of liens, with the C&G lien attaching to the net proceeds in addition to the remaining raw land until the entire secured claim of C&G is paid; it is further

ORDERED that at the time of the closing of each property the net sales proceeds, in at least the following sums, shall be remitted by the escrow agent, Priority Title, out of Seller's proceeds to C&G as each closing occurs, which are to be promptly applied to the secured claim of C&G:

4130 CR 401-C, Alvarado, TX, Lot #6
Estimated Net: \$427,383.08

4160 CR 401-C, Alvarado, TX, Lot #5
Estimated Net: \$432,008.38

4190 CR 401-C, Alvarado, TX, Lot #4

Estimated Net: \$547,006.33

4210 CR 401-C, Alvarado, TX, Lot #3

Estimated Net: \$489,175.41

4240 CR 401-C, Alvarado, TX, Lot #2

Estimated Net: \$541,038.38

4270 CR 401-C, Alvarado, TX, Lot #1

Estimated Net: \$431,814.83

TOTAL ESTIMATED DISBURSEMENT: \$2,868,426.41; it is further

ORDERED there is no ruling today as to the full amount of the C&G secured obligation; however, the Debtor has conceded the principal amount of this obligation was \$3,488,001.50 as set forth in Notice to Cure from C&G admitted as Debtor's Exhibit J2; it is further

ORDERED this order is immediately effective and the Bankruptcy Rule 6004(h) stay is waived.

END OF ORDER

EXHIBIT "A"
LEGAL DESCRIPTION

BEING 556.81 acres out of the Thomas Matty Survey, Abstract No. 538; the Maria Turner Survey, Abstract No. 825; and the John B Dupuy Survey, Abstract No. 202, Johnson County, Texas and being a part of that certain tract conveyed to C & G. Realty E, LLC by deed recorded in Clerk File Number 2013-5766, Johnson County, Texas and being those certain tracts conveyed to C & G Realty E, LLC by deeds recorded in Clerk File Number 2013-13421 and 2014-6173, Johnson County, Texas, and being more particularly described as follows:

BEGINNING at a ½ inch iron rod with cap, found in place, said point being the most Easterly corner of Lot 1, ZoZo Estates, an addition in Johnson County, Texas, according to the plat recorded in Instrument Number 229-2020, Slide 6, Plat Records of Johnson County, Texas, for an ell corner of this tract;

THENCE N 28D 52' 52" W, along and with the Northeasterly line of said ZoZo Estates, a distance of 1647.86 feet to a ½ inch iron rod, found in place, said point being an angle point of Lot 11, said ZoZo Estates, for an angle point of this tract;

THENCE N 11D 53' 54" W, along and with the Easterly line of said ZoZo Estates, a distance of 764.09 feet to a ½ inch iron rod, found in place, said point being an angle point of Lot 20, said ZoZo Estates, for an angle point of this tract;

THENCE N 54D 37' 42" W, along and with the North line of said Lot 20, a distance of 98.46 feet to a P. K. nail, found in place, in County Road 405, for an angle point of this tract;

THENCE N 09D 55' 37" W, along and with said County Road 405, a distance of 91.74 feet to a P. K. nail, found in place, in said County Road 405, for an angle point of this tract;

THENCE S 78D 31' 46" E, along and with the South line of Lot 8, Wilkins Way, an addition to Johnson County, Texas according to the plat recorded in Instrument No. 202-2020, Slide 307 of the Plat Records of Johnson County, Texas, and generally along an existing fence, at 32.46 feet a ½ inch iron rod with cap, found in place, a total distance of 847.59 feet to a three inch pipe fence post, found in place, said point being the Southeast corner of said Lot 8, for an angle point of this tract;

THENCE N 30D 09' 34" W, generally along an existing fence and along and with the Northeasterly line of said Lot 8, a distance of 286.01 feet to a four inch pipe fence post, found in place, said point being the most Southerly corner of that certain tract conveyed to Jesse James King and Barbara Ferfuson King by deed recorded in Volume 716, Page 693 of the Deed Records of Johnson County, Texas, for an angle point of this tract;

THENCE N 59D 29' 15" E, generally along an existing fence and along and with the South line of said King tract, a distance of 1033.85 feet to a four inch pipe fence post, found in place, for an angle point of this tract;

THENCE N 16D 40' 33" W, generally along an existing fence and along and with the East line of said King tract, a distance of 1114.11 feet to a four inch pipe fence post, found in place, for an angle point of this tract;

THENCE S 73D 23' 45" W, generally along an existing fence and along and with a North line of said King tract, a distance of 409.61 feet to a four inch pipe fence post, found in place, for an angle point of this tract;

THENCE N 29D 53' 15" W, generally along an existing fence and along and with the East line of said King tract, a distance of 375.91 feet to a ½ inch iron rod with cap, found in place, for the Northwest corner of this tract;

THENCE N 58D 43' 26" E, generally along an existing fence and along and with the Southeasterly line of that certain tract conveyed to the Marion J. Moore and Jo Anne Moore Revocable Living Trust by deed recorded in Volume 4525, Page 893 of the Deed Records of Johnson County, Texas, a distance of 2091.68 feet to a ½ inch iron rod with cap, found in place, for a corner of this tract;

THENCE S 30D 26' 59" E, generally along an existing fence, a distance of 855.69 feet to a three inch pipe fence post, found in place, for an angle point of this tract;

THENCE N 59D 30' 51" E, generally along an existing fence, a distance of 249.84 feet to a 5/8 inch iron rod, found in place, said point being the Southwest corner of Lot 362, Bluewater Oaks Holiday Sites according to the plat recorded in Volume 1, Page 229 of the Plat Records of Johnson County, Texas, for an angle point of this tract;

THENCE N 59D 17' 45" E, along and with the South line of said Bluewater Oaks Holiday Sites, a distance of 157.81 feet to a 5/8 inch iron rod, found in place, for an angle point of this tract;

THENCE N 59D 16' 19" E, along and with the South line of said Bluewater Oaks Holiday Sites, a distance of 336.67 feet to a 5/8 inch iron rod, found in place, for an angle point of this tract;

THENCE N 61D 52' 42" E, along and with the South line of said Bluewater Oaks Holiday Sites, a distance of 272.30 feet to a ½ inch iron rod, found in place, for an angle point of this tract;

THENCE N 61D 33' 29" E, along and with the South line of Bluewater Oaks, an addition to Johnson County, Texas, according to the plat recorded in Volume 1, Page 245 of the Plat Records of Johnson County, Texas, a distance of 56.45 feet to a point, for an angle point of this tract;

THENCE N 55D 23' 31" E, along and with the South line of said Bluewater Oaks, a distance of 23.02 feet to a 5/8 inch iron rod, found in place, for an angle point of this tract;

THENCE N 56D 18' 08" E, along and with the South line of said Bluewater Oaks, a distance of 317.88 feet to a ½ inch iron rod, set, on the West line of that certain tract conveyed to Dennis Anthony Wilde by deed recorded in Volume 4237, Page 563, for a corner of this tract;

THENCE S 33D 17' 35" E, along and with the Southwesterly line of said Wilde tract and continuing along and with the Southwesterly line of that certain tract conveyed to Michael T. and Darla Ray by deed recorded in Volume 2039, Page 200, a distance of 1121.36 feet to a ½ inch iron rod, set, said point being the Westerly corner of that certain tract conveyed to Paul Stephens by deed recorded in Clerk File Number 2011-18244, for an angle point of this tract;

THENCE S 29D 32' 05" E, along and with the Southwesterly line of said Stephens tract and continuing along and with the Southwesterly line of that certain tract conveyed to James C. and Cynthia A. Graddy by deed recorded in Volume 3730, Page 996, of the Deed Records of Johnson County, Texas, a distance of 835.07 feet to a ½ inch iron rod, found in place, said point being the Westerly corner of that certain

tract conveyed to Angela Bransom by deed recorded in Volume 3260, Page 747 of the Deed Records of Johnson County, Texas, for an angle point of this tract;

THENCES 30D 29' 44" E, along and with the Southwesterly line of said Bransom tract, a distance of 277.78 feet to a ½ inch iron rod, found in place, for an angle point of this tract;

THENCE S 29D 46' 05" E, along and with the Southwesterly line of that certain tract conveyed to Richard Dunivan by deed recorded in Clerk File Number 2014-6919, a distance of 279.53 feet to a 3/8 inch iron rod, found in place, for an angle point of this tract;

THENCE S 29D 15' 50" E, along and with the Southwesterly line of that certain tract conveyed to Eric G. Mero by deed recorded in Volume 1700, Page 222, Deed Records of Johnson County, Texas, a distance of 279.88 feet to a ½ inch iron rod, found in place, for an angle point of this tract;

THENCE S 29D 09' 29" E, along and with the Southwesterly line of that certain tract conveyed to Jimmy D. McCarty by deed recorded in Volume 1754, Page 760, Deed Records of Johnson County, Texas, a distance of 278.96 feet to a 3/8 inch iron rod, found in place, on the North line of that certain tract conveyed to Brad Bailey Watson and Michal Nadine Watson by deed recorded in Clerk File Number 2014-18878, for the most Easterly corner of this tract;

THENCE S 59D 22' 53" W, generally along an existing fence and along and with the Northwest line of said Watson tract, a distance of 478.62 feet to a ½ inch iron rod, set, for an angle point of this tract;

THENCE S 65' 15' 01" W, generally along an existing fence and along and with the Northwest line of that certain tract conveyed to James Charles Howard by deed recorded in Volume 665, Page 192 of the Deed Records of Johnson County, Texas, a distance of 208.43 feet to a 5/8 inch iron rod, found in place, for an angle point of this tract;

THENCE S 59D 22' 53" W, generally along an existing fence and along and with the North line of that certain tract conveyed to James C. Howard by deed recorded in Volume 2827, Page 424 of the Deed Records of Johnson County, Texas, a distance of 1561.97 feet to a 60d nail, found in place, on the Northeast line of County Road 401 C, for an ell corner of this tract;

THENCE S 30' 35' 52" E, along and with the Northeasterly line of said County Road 401 C and along and with the Southwesterly line of said Howard tract, continuing along and with the Southwesterly line of that certain tract conveyed to Richard and Robin Ramsey by deed recorded in Clerk File Number 2020-25335, continuing along and with the Southwesterly line of that certain tract conveyed to Beverly Joann Kennemur and Ernie Kennemur by deed recorded Clerk File Number 2020-21007, continuing along and with the Southwesterly line of that certain tract conveyed to Tracy Anderson Mercera nd Tina Lanette Mercer by deed recorded in Clerk File Number 2020-34050, continuing along and with the Southwesterly line of that certain tract conveyed to Mount Zion Fellowship Church by deed recorded in Clerk File Number 2020-31150, a distance of 2092.30 feet to a ¾ inch pipe, found in place, for an angle point of this tract;

THENCE S 31D 26' 35" E, along and with the Northeast line of said County Road 401 C, a distance of 299.12 feet to a 60d nail, found in place, for an angle point of this tract;

THENCE S 60D 09' 32" W, along and with the North line of that certain tract conveyed to Yirlania Arroyo by deed recorded in Clerk File Number 2020-41457, crossing said County Road 401 C, a distance of 339.40 feet to a ½ inch iron rod with cap, found in place, for an angle point of this tract;

THENCE S 60D 13' 40" W, generally along an existing fence and along and with the Northwest line of that certain tract conveyed to Sharon S. Speer by deed recorded in Volume 4404, Page 600 of the Deed Records of Johnson County, Texas, a distance of 952.61 feet to a ¼ inch pipe, found in place, for an angle point of this tract;

THENCE N 30D 07' 41" W, generally along an existing fence and along and with the Northeasterly line of said Speer tract, a distance of 994.50 feet to a four inch pipe fence post, found in place, for an ell corner of this tract;

THENCE S 59D 24' 00" W, generally along an existing fence and along and with the Northwesterly line of said Speer tract, a distance of 263.51 feet to a ½ inch iron rod, set, for an ell corner of this tract;

THENCE S 30D 04' 26" E, generally along an existing fence and along with the Southwesterly line of said Speer tract, a distance of 1357.83 feet to a ½ inch iron rod, found in place, on the North line of that certain tract conveyed to Nathan Michael Van Ryn and Catherine Elizabeth Van Ryn by deed recorded in Clerk File Number 2019-6245, for an angle point of this tract;

THENCE N 84D 10' 01" W, along and with the North line of said Van Ryn tract, a distance of 146.69 feet to a ½ inch iron rod, found in place, said point being the Northeast corner of that certain tract conveyed to Sergio Marquez by deed recorded in Clerk File Number 2018-4734, for an angle point of this tract;

THENCE N 84D 18' 49" W, along and with the North line of said Marquez tract and continuing along and with the North line of that certain tract conveyed to Jany and Fred Lozano by deed recorded in Clerk File Number 2018-14312, a distance of 299.94 feet to a ½ inch iron rod, found in place, said point being the Northeast corner of that certain tract conveyed to Rock Solid Investments, LLC by deed recorded in Clerk File Number 2019-25819, for an angle point of this tract;

THENCE N 84D 17' 15" W, along and with the North line of said Rock Solid Investments, LLC, continuing along and with the North line of that certain tract conveyed to Timothy S. and Katrina Luther by deed recorded in Clerk File Number 2009-32628, continuing along and with the North line of that certain tract conveyed to Jennifer and Joseph Kitchens by deed recorded in Clerk File Number 2018-33044, continuing along and with the North line of that certain tract conveyed to Joseph C. Watson, II by deed recorded in Clerk File Number 2013-4974, continuing along and with the North line of that certain tract conveyed to Juan Pablo Castillo by deed recorded in Clerk File Number 2014-23431, continuing along and with the North line of that certain tract conveyed to Dean Rapp by deed recorded in Clerk File Number 2013-11690, continuing along and with the North line of that certain tract conveyed to Jacob M. and Tammy M. Stolzenburg by deed recorded in Clerk File Number 2013-3537, continuing along and with the North line of that certain tract conveyed to Juan R. Palacios, Marta A. Garcia, and Maria Hernandez by deed recorded in Clerk File Number 2018-7709, continuing along and with the North line of that certain tract conveyed to Ma Elena Gonzales Salazar by deed recorded in Clerk File Number 2018-32674, continuing along and with the North line of that certain tract conveyed to Gustavo E. Marin Arias by deed recorded in Clerk File Number 2018-26873, continuing along and with the North line of that certain tract conveyed to Shane Alan Morrison II and Tiffany Bryan by deed recorded in Clerk File Number 2019-21731, a distance of 1650.04 feet to a ½ inch iron rod, found in place, for an angle point of this tract;

THENCE N 84D 19' 20" W, along and with the North line of that certain tract conveyed to Elvis and Bridget Perry by deed recorded in Volume 4095, Page 190, continuing along and with the North line of that certain tract conveyed to Ryan and Brittany Carroll by deed recorded in Clerk File Number 2020-13610, continuing along and with the North line of that certain tract conveyed to Bruce Weingarten by deed recorded in Clerk File Number 2020-20178, continuing along and with the North line of that certain tract conveyed to Timothy G. and Kelly L. Muchrath by deed recorded in Clerk File Number 2016-20049, continuing along and with the North line of that certain tract conveyed to Jeanette Baldwin by deed

recorded in Clerk File Number 2019-20110, continuing along and with the North line of that certain tract conveyed to Levi Taylor by deed recorded in Volume 4082, Page 978, a distance of 899.42 feet to a ½ inch iron rod, set, for an angle point of this tract;

THENCE N 42D 49' 54" W, along and with the Northeasterly line of that certain tract conveyed to John R. and Sheryl A. Garmon by deed recorded Volume 2303, Page 345, a distance of 98.65 feet to a ½ inch iron rod, found in place, for an angle point of this tract;

THENCE N 04D 29' 18" W, along and with the East line of that certain tract conveyed to Stephen L. and Kelly D. Walter by deed recorded in Clerk File Number 2016-6992, a distance of 138.52 feet to a ½ inch iron rod, found in place, for a corner of this tract;

THENCE S 85D 32' 51" W, along and with the North line of said Walter tract, at 316.38 feet a ½ inch iron rod, found in place, on the East line of County Road 405, a total distance of 333.14 feet to a ½ inch iron rod with cap, found in place, in said County Road 405, for a corner of this tract;

THENCE N 05D 21' 24" W, along and with said County Road 405, a distance of 60.04 feet to ½ inch iron rod, set, for a corner of this tract;

THENCE N 85D 30' 00" E, along and with the South line of that certain tract conveyed to Natalie Kizziar by deed recorded in Volume 2461, Page 275, at 7.15 feet a ½ inch iron rod, found in place, on the East line of said County Road 405, a total distance of 207.26 feet to a ½ inch iron rod, set, for an ell corner of this tract;

THENCE N 04D 30' 01" W, generally along an existing fence and along and with the East line of said Kizziar tract and continuing along and with the East line of that certain tract conveyed to Basil Cotton and Kathleen O'Connor by deed recorded in Clerk File Number 2018-20473, and continuing along and with the East line of that certain tract conveyed to Nephtali Calvillo Pinales and Carolina G. Noyola Fernandez by deed recorded in Clerk File Number 2020-16984, a distance of 407.68 feet to a point, for an angle point of this tract;

THENCE N 12D 08' 49" W, along and with the East line of said Pinales and Fernandez tract, a distance of 275.67 feet to a ½ inch iron rod, found in place, for a corner of this tract;

THENCE S 60D 05' 19" W, along and with the North line of said Pinales and Fernandez tract, a distance of 197.99 feet to a ½ inch iron rod, set, on the East line of said County Road 405, for a corner of this tract;

THENCE N 30D 22' 56" W, a distance of 60.00 feet to a ½ inch iron rod with cap, found in place, for a corner of this tract;

THENCE N 60D 05' 18" E, at 24.83 feet a ½ inch iron rod with cap, found in place, a total distance of 197.96 feet to a ½ inch iron rod with cap, found in place, for an angle point of this tract;

THENCE N 59D 20' 19" E, along and with the South line of said Lot 1, ZoZo Estates, a distance of 649.40 feet to the place of beginning and containing 556.81 acres.

Single Order Upload

[22-31740-sgj11 The Jumba, LLC](#)

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